

**FUNERAL DIRECTORS EXAMINING BOARD
MINUTES
MADISON, WISCONSIN
SEPTEMBER 19, 2000**

PRESENT: Roy Pfeffer, Rick Unbehaun, W. Robert Cress, Peter Schils, and Bonnie Gift

EXCUSED: Daniel Densow

STAFF PRESENT: Secretary Cummings for a portion of the meeting, Clete Hansen, Becky Fry, Jacquelynn Rothstein, Legal Counsel; Judy Mender and Division of Enforcement staff, for portions of the meeting

GUESTS: Mark Paget, WFDA
Ashley Moore, FSA
Barbara Schuler, Wisconsin Technical College System Board

CALL TO ORDER

The meeting was called to order at 9:34 a.m. by Roy Pfeffer, Chair. A quorum of five members was present.

AGENDA

MOTION: Pete Schils moved, seconded by Bonnie Gift, to adopt the agenda, as published. Motion carried unanimously.

MINUTES (7/18/00)

MOTION: Robert Cress moved, seconded by Bonnie Gift, to approve the minutes, as written. Motion carried unanimously.

Pete Schils inquired about the progress of the motions made regarding eliminating the requirement that an applicant have sophomore standing before being eligible for receiving an apprentice permit and changing the apprentice permit fee from \$10 per year to a \$40 4-year permit.

Clete Hansen explained the process for obtaining legislative changes and indicated that further action on these motions would require a bill draft.

ADMINISTRATIVE REPORT

Secretary Cummings' Report

Secretary Cummings reported that the department has submitted its biennial budget request to the Department of Administration.

Roy Pfeffer inquired about the recommendations from the Cemetery Task Force that may affect the Funeral Directors Examining Board.

The Board received a copy of the department's memorandum, containing drafting instructions for the department's cemetery proposal.

Secretary Cummings stated that this proposal recommends that the Funeral Director's Examining Board would regulate crematoriums operated by funeral directors, the Cemetery Board would regulate crematoriums operated by cemeterians, and the department would regulate crematoriums operated by other persons.

Roy Pfeffer reported that as of 1999, the cremation rate is 25% and it is predicted that in 2010, the cremation rate will be 52%. He stated that regulation of crematories was imperative, based on the increasing rate of cremations.

The Board discussed the issue of having three different types of regulators for crematories. Secretary Cummings stated that there has been discussion of the department regulating all crematories and any disciplinary issues would be referred to the respective boards for enforcement.

Bureau Director's Report

Board Roster

The Board received an updated roster. Noted.

2000 Meeting Dates

The Board received an updated copy of the 2001 meeting dates. Noted.

To-Pass Folder

The To-Pass Folder was circulated and duly noted.

LEGISLATIVE UPDATE

Regulation of Crematories

The Board received a draft of the proposed cremation regulations prepared by Dan Densow and colleagues.

Jacquelynn Rothstein reviewed the revisions that were made to the proposal and prepared a revised draft.

Roy Pfeffer requested that Ms. Rothstein send a copy of the revised draft to Dan Densow for his review and that it be included in the agenda packet for the next meeting.

Clete Hansen explained the legislative process for the cremation regulations proposed by the board.

Mr. Hansen indicated the Badger State Cemetery Association is in general agreement with the R & L cemetery draft; however, the Alliance of Cities is not in agreement and recommends creating a cemetery management fund by raising the fee for death certificates. The department does not support this proposal.

Certificates of Good Standing

Clete Hansen informed the Board that the last draft relating to certificates of good standing is being redrafted for reintroduction in the biennial budget bill.

This issue was tabled to the next meeting.

Cemetery Law Revisions

Clete Hansen reviewed the cemetery revision draft and noted the addition of a new provision relating to master trust accounts, and an amendment relating to an open-book exam that cemetery authority representatives must take.

EXAMINATION ISSUES

2001 Exam Dates

MOTION: Peter Schils moved, seconded by Rick Unbehaun, to approve the 2001 examination dates. Motion carried unanimously.

Whether the Board Should Use The National Exam

Casey Brown informed the Board that Wisconsin was one of only two states that do not use the national exam. He stated the use of the national exam has not been endorsed in the past because the department was not confident that the content was based on a task analysis.

The Board expressed support for using the national exam.

Mr. Brown will review the national exam and the task analysis and provide the Board with more information at the next meeting.

BOARD MEMBER ACTIVITY

Bonnie Gift informed the Board that she was a delegate to the Republican National Convention held in Pennsylvania.

MONITORING OF CONTINUING EDUCATION

Clete Hansen reviewed the funeral director renewal application form with regards to space available for listing continuing education courses. He stated that the courses would have to be listed on a separate sheet of paper.

The Board discussed the pros and cons of requiring written verification of continuing education courses taken and the enforcement of that process.

MOTION: Rick Unbehaun moved, to require licensees to submit a list of continuing education courses taken when renewing a license. Motion failed for lack of a second.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Clete Hansen referred to the information included in the agenda packet taken from the Internet relating to the regulation of preneed funeral contracts and the September 6, 2000, press release relating to the Loewen Group consolidating administrative offices. Noted.

Clete Hansen distributed the September 18, 2000, Forbes article entitled “Buried Trouble” and information relating to the availability of Reports of Decisions on the Internet.

NEW BUSINESS

None.

PUBLIC COMMENTS

None.

RECESS TO CLOSED SESSION

MOTION: Pete Schils moved, seconded by Robert Cress, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Board or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, monitoring issues, reinstatement requests, extension requests, examination challenges, deliberations on stipulations that may be signed after printing of the agenda, pending applications, and disciplinary proceedings. Motion carried unanimously by a roll call vote: Rick Unbehaun-yes; Bonnie Gift-yes; Robert Cress-yes; Peter Schils-yes; Roy Pfeffer-yes.

Open Session recessed and Closed Session convened at 11:50 a.m.

CLOSED SESSION

The Board received a copy of the Case Status Report and discussed the status of open investigations with staff in the Division of Enforcement.

The Board deliberated on stipulations, case closings and a reinstatement request.

The Board requested that Clete Hansen send a letter to Jack Temby requesting that the case advisor be included in the discussion and recommendations of stipulations.

RECONVENE IN OPEN SESSION

MOTION: Pete Schils moved, seconded by Bonnie Gift, to reconvene in Open Session at 1:09 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Pete Schils moved, seconded by Robert Cress, to close 99 FDR 033, for P3. Motion carried with Rick Unbehaun abstaining.

MOTION: Pete Schils moved, seconded by Robert Cress, to close 99 FDR 010, as to Respondent #1, for P3. Motion carried with Rick Unbehaun abstaining.

MOTION: Pete Schils moved, seconded by Robert Cress, to close 99 FDR 010, as to Respondent #2, for P5. Motion carried with Rick Unbehaun abstaining.

STIPULATION

MOTION: Pete Schils moved, seconded by Rick Unbehaun, to reject the Stipulation for 00 FDR 001, Jeffrey D. Ward. Motion carried with Robert Cress abstaining.

MOTION: Rick Unbehaun moved, seconded by Robert Cress, to accept the Findings of Fact, Conclusions of Law and Order for 98 FDR 016, 98 FDR 026, and 99 FDR 014, Elaine R. Fossum. Motion carried with Roy Pfeffer abstaining.

REINSTATEMENT REQUEST

MOTION: Rick Unbehaun moved, seconded by Bonnie Gift, to reissue the license for John M. Prock upon the following additional requirements being met: completion of 30 hours of continuing education, with at least 6 hours in “professional conduct, business ethics or legal aspects specifically related to practice in the profession” (category 2) and at least 10 hours in “technical or practical aspects of the profession” (category 4) and the remaining 14 hours in the area of the individuals choice; completion of a one-year apprenticeship during which the completion of 10 embalming services under the personal supervision of a licensed funeral director are

required; and successfully passing the state laws examination. Motion carried unanimously.

ADJOURNMENT

MOTION: Robert Cress moved, seconded by Bonnie Gift, to adjourn the meeting at 1:18 p.m. Motion carried unanimously.